

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EDWARD R. NEWSOME,	§	
TDCJ-CID NO. 437698,	§	
Petitioner,	§	
v.	§	CIVIL ACTION NO. H-05-3390
	§	
DOUG DRETKE,	§	
Respondent.	§	

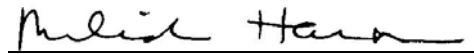
OPINION ON DISMISSAL

Edward Newsome, proceeding *pro se*, filed this action labeled an “Application for a Writ of Habeas Corpus Seeking Relief from under Code of Criminal Procedure, Article 11.07 and Writ of Mandamus Article 2.21.” Newsome complains that he has been denied due process on a 1998 breach of contract claim against Attorney John Joseph Sutter with respect to a suit filed against the Westwood Fountainview Apartment Complex in 1996. He seeks a writ of mandamus ordering the state court to grant him a new trial or an out-of-time appeal in the suit against Sutter. (Docket Entry No.1).

A writ of mandamus in federal district court authorizes the court to compel an officer of the United States to perform his duty. 28 U.S.C. § 1361. This court does not have jurisdiction to issue a writ of mandamus against a state officer or a state court. Even against a federal officer, this remedy should only be used in exceptional circumstances. *Assoc. of American Medical Colleges v. Califano*, 569 F.2d 101, 110 n. 80 (D.C. Cir. 1977).

Newsome's motion fails to state a ground upon which this Court may issue a writ of mandamus. Accordingly, the Court DISMISSES this action and DENIES any and all pending motions for relief.

SIGNED at Houston, Texas, on this 18th day of October, 2005.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE